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## FREDERICK COUNTY PLANNING COMMISSION

### March 9, 2011

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**TITLE:** Cullers Retreat Sketch Plan, Lots 201-207

**FILE NUMBER:** S-1050 AP1567

**REQUEST:** **Sketch Plan**  
Non-binding approval of the proposed lot layout for the purpose of percolation testing only.

**PROJECT INFORMATION:**

**LOCATION:** Located on the southwest quadrant of the intersection of Jefferson Pike (MD 180) and Renn Road, opposite Wye Creek Drive.

**ZONE:** Residential (R-1)

**REGION:** Frederick

**WATER/SEWER:** No Planned Service

**COMP. PLAN/LAND USE:** Rural Residential

**APPLICANT/REPRESENTATIVES:** (as applicable)

**APPLICANT/OWNER:** Stadler Holdings, LLC

**SURVEYOR:** J.F. Brown III & Assoc.

**STAFF:** Michael Wilkins, Development Review Principal Planner II

**RECOMMENDATION:** **Conditional Approval**

**Enclosures:**

## **REPORT**

### **BACKGROUND:**

This property (Tax Map 85 Parcel 82) has been the subject of two previous subdivision applications;

- In August 1993, the property consisted of 57 acres. A preliminary plan was submitted for a 27 lot R-1 subdivision. The FcPc granted approval for percolation testing only. This application was not further pursued, most likely due to failed percolation tests and APFO school capacity issues.
- In January 1998, a three-lot minor subdivision was recorded, leaving a 24.789 acre remainder.

The Applicant now wishes to pursue the approval of 7 lots on the 24.789 acre remainder parcel. The proposed subdivision will create the 4<sup>th</sup> through 9<sup>th</sup> lots from the original parcel (excluding the remainder lot), and is a major subdivision. Major subdivisions require FcPc approval prior to percolation testing in accordance with Section 1-16-9 (A)(4) of the Frederick County Code (Code).

The site contains wet soils, which requires percolation testing during the restricted soils season (February 1- April 15, 2011). The Applicant has submitted a Sketch Plan for percolation testing approval only, in accordance with Section 1-16-59 (G) of the Code, which states:

***The Planning Commission shall give its opinion regarding the sketch plan and may grant non-binding approval of the lot layout shown on the sketch plan for the purpose of percolation testing only.***

If approved, the creation of the 6 new lots (plus a remainder lot) will be considered a major subdivision. However, any major subdivision approvals for this project (including approval of panhandles) will be handled during the review of the preliminary plan and final plat applications. Should percolation testing be successful for two or fewer new lots, the application may be reviewed at Staff level as a minor subdivision under the combined preliminary/final plat process.

### **ANALYSIS:**

#### *Lot Design and Access:*

The property fronts on both Jefferson Pike (minor arterial roadway) and Renn Road (local roadway). The current design provides all of the proposed lots with road frontage along Jefferson Pike. Lot 206 and Remainder Lot 207 will share an existing entrance that is opposite Wye Creek Drive. Lots 201-204 will share a common driveway that is centered between the existing entrance and the intersection of Renn Road and Jefferson Pike. Lots 201-204 and Remainder Lot 207 are designed as panhandle lots.

Jefferson Pike has a variable 33 to 41 foot asphalt surface and meets the minimum travelway width requirements for serving major subdivisions. The surveyor notes that Renn Road is 16-foot wide macadam, which does not meet the minimum 20 foot wide travelway requirement for major subdivisions.

The State Highway Administration (SHA) noted that all of the proposed lots should access Renn Road. County Staff generally supports lot access to a lower classification roadway; however, Renn Road is a dead-end road that is greater than 1,800 feet in length. Section 1-16-236(K) prohibits subdivision on dead-end road that exceeds 1,800 feet.

In the event that the percolation testing is successful, the road access issue must be resolved during the review of the Preliminary Plan. The Applicant will need to work with staff to obtain the necessary approvals from SHA to access Jefferson Pike, or work with Staff to resolve the dead-end road issue on Renn Road. Staff notes that if access to Renn Road is allowed, Renn Road must be improved to meet the minimum travelway width and material type requirements for servicing major subdivisions.

**ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

APFO testing is not required at the Sketch Plan phase. In the event that the percolation testing is successful and the applicant pursues more than two lots, the subdivision will be subject to APFO testing for impacts to traffic and schools at the time of Preliminary Plan submittal.

**FOREST RESOURCE ORDINANCE (FRO):**

At the Sketch Plan phase, a forest stand delineation plan is the only FRO requirement. Forest conservation plans and mitigation must be provided prior to the approval of preliminary plans and final plats. A forest stand delineation plan and combined preliminary/final forest conservation plan has been submitted for review. The site is currently unforested. The FRO plan has not been finalized or approved, but preliminary calculations indicate that the applicant will be required to provide 4.958 acres of forest mitigation. The Sketch Plan illustrates that at least a portion of this requirement will be met by planting forest and providing an easement along the stream system and waterbody buffer that is located on Lot 207. FRO mitigation must be provided prior to lot recordation.

**FINDINGS:**

Staff finds that the FcPc may give its opinion regarding the Sketch Plan and may grant non-binding approval of the lot layout shown on the Sketch Plan for the purpose of percolation testing only. Staff has no objection to conditional approval of the Sketch Plan for percolation testing only.

**RECOMMENDATION:**

Should the FcPc give a favorable opinion of this Sketch Plan application (S-1050, AP 11567) and allow the applicant to proceed with percolation testing, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The approval of this plan is for percolation testing only and does not guarantee approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner and in accordance with all applicable regulations.